

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 6608 of 2007(S)

**AGAINST THE ORDER DATED 28/06/2006 IN IA. 605 /2006 IN
OP.485/2006 of FAMILY COURT, PALAKKAD**
.....

PETITIONER:

RAJAN @ NANDANAN, CHATHIKUZHIYIL,
PARASSERRY, KONGAD, PALAKKAD.

BY ADV. SRI.N.RAGHURAJ
ADV. SRI.A.V.RAVI
ADV. SMT.K. AMMINIKUTTY

RESPONDENT:

AMBIKA, D/O.VISWANATHA CHETTIAR,
RESIDING AT AKKAPARAMBA, AKKAPARAMBA STREET,
THIRUVILLWAMALA, THRISSUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

.....
W.P.(C) No. 6608 OF 2007
.....

Dated this the 28th February, 2007

J U D G M E N T

Kurian Joseph, J:

Challenge is against Ext.P5 order on I.A.No.609 of 2006 in O.P.485 of 2006 on the file of the Family Court, Palakkad. The petitioner has sought for a decree of divorce. The Family Court, taking note of the requirements of the respondent and capacity of the petitioner, has ordered interim maintenance at the rate of Rs. 400/- per month to the respondent and Rs. 400/- per month each to the children. There was also a direction to pay the applicant/respondent a sum of Rs.1000/- towards litigation expense. The learned counsel for the petitioner vehemently contends that there is no proper consideration at all regarding the ability of the petitioner to pay maintenance. However, it is submitted that the petitioner has no objection to pay maintenance to the children. Despite the persuasive submissions, we do not think that the order requires interference. It is only for interim maintenance of the wife and children. The amount is also not

excessive. Considering the facts and circumstances of the case, it is sufficient to direct the Family Court, Palakkad to dispose of the main matter itself, however making the payments subject to the result of the case.

Therefore, the Writ Petition is disposed of directing the Family Court, Palakkad to dispose of O.P. 485 of 2006 within a period of four months from the date of receipt of a copy of this judgment. The payments made towards maintenance in the meanwhile will be subject to the outcome of the judgment and decree in O.P. 485 of 2006.

**KURIAN JOSEPH,
JUDGE.**

**K.T. SANKARAN,
JUDGE.**